

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DELAWARE COUNTY, PENNSYLVANIA

Plaintiff

v.

PURDUE PHARMA L.P., *et al.*,

Defendants

Case No. 2:18-cv-05627

**DEFENDANTS' MOTION TO STAY PROCEEDINGS PENDING LIKELY TRANSFER
TO OPIATE MULTIDISTRICT LITIGATION**

Defendants Walmart Inc., CVS Health Corp., Walgreen Eastern Co., Walgreen Co., and Walgreens Boots Alliance, Inc. respectfully move this Court to stay all proceedings in this action until the Judicial Panel on Multidistrict Litigation (“JPML”) issues a final decision on whether to transfer this action to the Multidistrict Litigation in the U.S. District Court for the Northern District of Ohio, *In Re: National Prescription Opiate Litig.*, 1:17-md-02804 (“Opiate MDL”).

As set forth in the accompanying memorandum of law, this action is likely to soon be transferred by the JPML to the Opiate MDL; other judges of this Court have granted stays in similar cases pending transfer to the Opiate MDL; and a stay is likewise warranted here in the interests of judicial economy. Moreover, absent a stay, the Moving Defendants will be significantly and unfairly prejudiced by having to engage in duplicative discovery and motions practice in multiple jurisdictions. Any prejudice resulting from a stay to Plaintiff is minimal because the stay is likely to be short in duration. For these reasons, and as set forth more fully in the accompanying Memorandum of Law, Defendants respectfully request that their motion for stay be granted. A proposed form of Order is attached.

Dated: January 11, 2019

Respectfully submitted,

/s/ Kimberly A. Brown

Kimberly A. Brown (PA Bar No. 56200)

James T. Kitchen*(PA Bar No. 308565)

JONES DAY

500 Grant Street, Suite 4500

Pittsburgh, PA 15219-2514

T: (412) 394-7995

F: (412) 394-7959

kabrown@jonesday.com

jkitchen@jonesday.com

Christopher Lovrien*

Sarah G. Conway*

JONES DAY

555 South Flower Street

Fiftieth Floor

Los Angeles CA 90071

T: (213) 243-2567

F: (213) 243-2539

cjlovrien@jonesday.com

sgconway@jonesday.com

Counsel for Walmart Inc.

/s/ Albert G. Bixler (consent)

Albert G. Bixler (PA Bar No. 45639)

ECKERT SEAMANS CHERIN &

MELLIOTT, LLC

Two Liberty Place

50 South 16th Street, 22nd Floor

Philadelphia, PA 19102

T: (215) 851-8412

abixler@eckertseamans.com

*Counsel for Walgreen Eastern Co.,
Walgreen Co., and Walgreens Boots
Alliance, Inc.*

/s/ Mark D. Villanueva (consent)

Mark D. Villanueva (PA Bar No. 89892)
Stradley Ronon Stevens & Young, LLP
2005 Market Street, Suite 2600
Philadelphia, PA 19103
T: (215) 564-8000
mvillanueva@stradley.com

Eric R. Delinsky*
Alexandra W. Miller*
ZUCKERMAN SPAEDER LLP
1800 M Street, NW, Suite 1000
Washington, DC 20036-5807
T: (202) 778-1800
edelinsky@zuckerman.com
smiller@zuckerman.com

Conor B. O’Croinin*
ZUCKERMAN SPAEDER LLP
100 East Pratt Street, Suite 2440
Baltimore, Maryland 21202-1031
T: (410) 949-1160
cocroinin@zuckerman.com

Counsel for CVS Health Corporation

*denotes national counsel who will seek *pro hac vice* admission